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BAV AUTO, L.L.C.

By: STEVEN D. PERTUZ, Esquire
SDP-5632

_____	:	UNITED STATES BANKRUPTCY COURT
In the Matter of:	:	FOR THE DISTRICT OF NEW JERSEY
	:	NEWARK VICINAGE
BAV AUTO, L.L.C,	:	
aka COSTA'S AUTO GALLERY	:	Case No. 22-17933 (JKS)
	:	
	:	Chapter 11
Debtor-in-Possession.	:	
_____	:	

**CERTIFICATION OF ALEXANDRE J. DACOSTA, OPERATIONS MANAGER OF
DEBTOR, BAV AUTO, L.L.C., IN LIMITED OPPOSITION TO MOTION FOR RELIEF
FROM THE AUTOMATIC STAY FOR SECURED CREDITOR, AUTOMOTIVE
FINANCE CORP.**

ALEXANDRE J. DACOSTA , of full age, hereby certifies as follows:

1. I am the day-to-day operations manager of the Debtor, BAV, LLC, in the within case, ("Debtor" and/or "Movant") and I am familiar with the facts herein and authorized to make this Certification. I make this Certification in limited opposition of the within motion requesting relief from the automatic stay pursuant to 11 U.S.C. §362(d).

2. On October 6, 2022, Vivianne C. Antunes, my wife and sole member of the Debtor, authorized the filing of the within Chapter 11 case on an emergent basis. All Schedules and Statement of Financial Affairs were thereafter filed on October 31, 2022 and our initial intention

was to retain the business and continue to operate it and have the Debtor address all of its obligations in with a feasible plan.

3. Attempts to obtain DIP financing were made with several parties during the first days after the order for relief but the Debtor was unable to memorialize a deal to obtain the necessary cash infusion for continued operations. Unfortunately, we determined early on that finding a buyer for the vehicle inventory and seeking bankruptcy court permission to sell the assets at no further expense to the lienholders would allow for a maximum return to our creditors in the long run under a liquidating plan.

4. I am pleased to report that an offer for the vehicle inventory has been informally made and I am awaiting further details on the formal offer and any conditions so that the Debtor can proceed to reach out to the floor plan lenders and discuss further details on this proposal.

5. I have reviewed the within Motion from Automotive Finance Corp. and their request to obtain relief from the automatic stay so that they can sell the vehicles that were repossessed on the day of the bankruptcy filing which vehicles are more fully described in Exhibit E of secured creditor's motion. While the Debtor has no objections to the sale of these vehicles to obtain the proper credits to reduce the balance due, the Debtor files this limited objection to request that Automotive Finance Corp. supply the Debtor with the sale information once they are sold, apply the sale proceeds to the loan balance and also apply the \$40,000.00 reserve held to the loan balance.

6. I also wanted to clarify in this response that in no way did the Debtor, my wife or myself ever try to benefit personally or defraud any creditors at any time when a vehicle may have been sold out of trust. A review of the pre-petition business bank account statements reflect that on any given day, numerous floor plan lenders and merchant cash advance lenders electronically deducted tens of thousands of dollars out of the account for loan payments and often times the

Debtor was just unable to sustain the cash flow to cover all of the necessary payment obligations as sales occurred. As far as I can recall and upon my information and belief, the Debtor never requested duplicate titles from the department of motor vehicles to perpetuate any fraud on the floor plan lenders at any time.

7. As time went by I was hoping things would improve but we realized that the Debtor was unable to sustain operations without formal reorganization efforts which led us to filing this case. I acknowledge that mistakes were made with some important business decisions and the Debtor and myself are doing all that we can to cooperate with the New Jersey Division of Motor Vehicles to ensure that all customers receive their titles on any vehicles sold out of trust.

8. I am committed to seeing all of my customers obtain their titles with the cooperation of the floor plan lenders in this case and want to resolve the debt incurred by the Debtor as quickly as possible.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

/s/ Alexandre J. DaCosta
Alexandre J. DaCosta
Operations Manager
BAV AUTO, L.L.C.

November 29, 2022